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CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

2. Christina Danielle Patacky-Beghin,
Defendant.

No. CR-22-1507-02-PHX-SPL (MTM)

PLEA AGREEMENT

Plaintiff, United States of America, and the defendant, Christina Danielle Patacky-Beghin, hereby agree to resolve this matter on the following terms and conditions:

1. PLEA

The defendant will plead guilty to the lesser included offense of Count 4 of the Indictment charging the defendant with a violation of 21 United States Code (U.S.C.) §§ 841(a)(1) and 841(b)(1)(C), Possession with Intent to Distribute a Mixture or Substance Containing a Detectable Amount of Fentanyl, a Class C felony offense.

2. MAXIMUM PENALTIES

a. A violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) is punishable by a maximum fine of \$1,000,000.00, a maximum term of imprisonment of 20 years, or both, and a term of supervised release of at least three years up to life. The maximum term of probation is five years, including a minimum term of one year if probation is imposed.

1 b. According to the Sentencing Guidelines issued pursuant to the Sentencing
2 Reform Act of 1984, the Court shall order the defendant to:

3 (1) make restitution to any victim of the offense pursuant to 18 U.S.C.
4 § 3663 and/or 3663A, unless the Court determines that restitution would not be
5 appropriate;

6 (2) pay a fine pursuant to 18 U.S.C. § 3572, unless the Court finds that a
7 fine is not appropriate;

8 (3) serve a term of supervised release when required by statute or when a
9 sentence of imprisonment of more than one year is imposed (with the understanding that
10 the Court may impose a term of supervised release in all other cases); and

11 (4) pay upon conviction a \$100 special assessment for each count to
12 which the defendant pleads guilty pursuant to 18 U.S.C. § 3013.

13 c. The Court is required to consider the Sentencing Guidelines in determining
14 the defendant's sentence. However, the Sentencing Guidelines are advisory, and the Court
15 is free to exercise its discretion to impose any reasonable sentence up to the maximum set
16 by statute for the crime(s) of conviction, unless there are stipulations to the contrary that
17 the Court accepts.

18 d. The defendant understands and acknowledges that pleading guilty may result
19 in the termination or denial of certain food stamp, social security, and other benefits for
20 defendant and the defendant's immediate family pursuant to 21 U.S.C. §§ 862 and 862a.

21 **3. AGREEMENTS REGARDING SENTENCING**

22 a. Stipulation. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and
23 defendant stipulate that defendant's sentence shall not exceed 41 months. This stipulated
24 sentencing cap will not change based on departures considered under U.S.S.G. §
25 1B1.1(b). Nothing in this agreement shall preclude defendant from moving for a
26 downward departure, variance, or sentence below the cap, or the court from imposing a
27 sentence below the cap.

1 b. Stipulation. Concurrent Sentences. Pursuant to Fed. R. Crim. P. 11(c)(1)(C),
2 the United States and the defendant stipulate that if sentenced to a term of imprisonment in
3 this case, the sentence shall run concurrent to any term of imprisonment imposed in *U.S.*
4 *v. Burns, et al*, 3:23-CR-26-MEM, United States District Court Middle District of
5 Pennsylvania.

6 c. Stipulation: Drug Quantity. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the
7 United States and the defendant stipulate that the base offense level is a converted drug
8 weight of at least 30,000 kilograms but less than 90,000 kilograms. Should this case, for
9 any reason, proceed to trial, the United States shall not be bound by this agreement of the
10 parties with regard to the quantity of drugs attributable to the defendant.

11 d. Stipulation: Role. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States
12 and the defendant stipulate the defendant was a minor participant in any criminal activity,
13 pursuant to U.S.S.G. § 3B1.2(b).

14 e. Safety Valve. Pursuant to Fed. R. Crim. P. 11(c)(1)(B) and (C), the United
15 States and the defendant stipulate and agree that the defendant shall receive a two-level
16 reduction in the Guidelines offense level if the defendant meets all five criteria required for
17 the defendant's eligibility for the "safety valve" reduction pursuant to the United States
18 Sentencing Guidelines §§ 2D1.1(b)(18) and 5C1.2(a).

19 f. Assets and Financial Responsibility. The defendant shall make a full
20 accounting of all assets in which the defendant has any legal or equitable interest. The
21 defendant shall not (and shall not aid or abet any other party to) sell, hide, waste, spend, or
22 transfer any such assets or property before sentencing, without the prior approval of the
23 United States (provided, however, that no prior approval will be required for routine, day-
24 to-day expenditures). The defendant also expressly authorizes the United States Attorney's
25 Office to immediately obtain a credit report as to the defendant in order to evaluate the
26 defendant's ability to satisfy any financial obligation imposed by the Court. The defendant
27 also shall make full disclosure of all current and projected assets to the U.S. Probation
28 Office immediately and prior to the termination of the defendant's supervised release or

1 probation, such disclosures to be shared with the U.S. Attorney's Office, including the
2 Financial Litigation Unit, for any purpose. Finally, the defendant shall participate in the
3 Inmate Financial Responsibility Program to fulfill all financial obligations due and owing
4 under this agreement and the law.

5 g. Acceptance of Responsibility. If the defendant makes full and complete
6 disclosure to the U.S. Probation Office of the circumstances surrounding the defendant's
7 commission of the offense, and if the defendant demonstrates an acceptance of
8 responsibility for this offense up to and including the time of sentencing, the United States
9 will recommend a two-level reduction in the applicable Sentencing Guidelines offense
10 level pursuant to U.S.S.G. § 3E1.1(a). If the defendant has an offense level of 16 or more,
11 the United States will move the Court for an additional one-level reduction in the applicable
12 Sentencing Guidelines offense level pursuant to U.S.S.G. § 3E1.1(b).

13 **4. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

14 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States, at the time of
15 sentencing, shall dismiss the following charges: Counts 1 & 3 of the Indictment.

16 b. This office shall not prosecute the defendant for any offenses committed by
17 the defendant, and known by the United States, in connection with the discovery in this
18 case. Specifically, this agreement does not bind the United States Attorney's Office for
19 the Middle District of Pennsylvania.

20 c. This agreement does not, in any manner, restrict the actions of the United
21 States in any other district or bind any other United States Attorney's Office.

22 **5. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

23 a. If the Court, after reviewing this plea agreement, concludes that any
24 provision contained herein is inappropriate, it may reject the plea agreement and give the
25 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.
26 11(c)(5).

27 b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,
28 vacated, or reversed at any time, this agreement shall be null and void, the United States

1 shall be free to prosecute the defendant for all crimes of which it then has knowledge and
2 any charges that have been dismissed because of this plea agreement shall automatically
3 be reinstated. In such event, the defendant waives any and all objections, motions, and
4 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional
5 restrictions in bringing later charges or proceedings. The defendant understands that any
6 statements made at the time of the defendant's change of plea or sentencing may be used
7 against the defendant in any subsequent hearing, trial, or proceeding subject to the
8 limitations of Fed. R. Evid. 410.

9 **6. WAIVER OF DEFENSES AND APPEAL RIGHTS**

10 The defendant waives (1) any and all motions, defenses, probable cause
11 determinations, and objections that the defendant could assert to the indictment or
12 information; and (2) any right to file an appeal, any collateral attack, and any other writ or
13 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
14 judgment against the defendant, or any aspect of the defendant's sentence, including the
15 manner in which the sentence is determined, including but not limited to any appeals under
16 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255
17 (habeas petitions), and any right to file a motion for modification of sentence, including
18 under 18 U.S.C. § 3582(c) (except for the right to file a compassionate release motion under
19 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial of such a motion). This waiver shall
20 result in the dismissal of any appeal, collateral attack, or other motion the defendant might
21 file challenging the conviction, order of restitution or forfeiture, or sentence in this case.
22 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective
23 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section
24 II.B of Ariz. Ethics Op. 15-01 (2015)).

25 **7. DISCLOSURE OF INFORMATION**

26 a. The United States retains the unrestricted right to provide information and
27 make any and all statements it deems appropriate to the U.S. Probation Office and to the
28 Court in connection with the case.

b. Any information, statements, documents, and evidence that the defendant provides to the United States pursuant to this agreement may be used against the defendant at any time.

c. The defendant shall cooperate fully with the U.S. Probation Office. Such cooperation shall include providing complete and truthful responses to questions posed by the U.S. Probation Office including, but not limited to, questions relating to:

- (1) criminal convictions, history of drug abuse, and mental illness; and
- (2) financial information, including present financial assets or liabilities that relate to the ability of the defendant to pay a fine or restitution.

8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS

a. Nothing in this agreement shall be construed to protect the defendant from administrative or civil forfeiture proceedings or prohibit the United States from proceeding with and/or initiating an action for civil forfeiture. Pursuant to 18 U.S.C. § 3613, all monetary penalties, including restitution imposed by the Court, shall be due immediately upon judgment, shall be subject to immediate enforcement by the United States, and shall be submitted to the Treasury Offset Program so that any federal payment or transfer of returned property the defendant receives may be offset and applied to federal debts (which offset will not affect the periodic payment schedule). If the Court imposes a schedule of payments, the schedule of payments shall be merely a schedule of minimum payments and shall not be a limitation on the methods available to the United States to enforce the judgment.

9. ELEMENTS

Possession with Intent to Distribute Fentanyl 21 U.S.C. § 841(a)(1) and (C)

On or about July 19, 2022, in the District of Arizona:

1. the defendant knowingly possessed a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance, and

1 2. the defendant possessed it with the intent to distribute it to another person.

2
3 **10. FACTUAL BASIS**

4 a. The defendant admits that the following facts are true and that if this matter
5 were to proceed to trial the United States could prove the following facts beyond a
6 reasonable doubt:

7 On July 19, 2022, I, Christina Danielle Patacky-Beghin, agreed to deliver illegal
8 drugs to a customer. The drugs belonged to co-defendant Shane Killian Burns. On July
9 19, 2022, I met the drug customer at the Talking Stick Resort and Casino in Scottsdale,
10 Arizona and provided the drug customer an unsealed box containing illegal drugs. The
11 drug customer provided me \$10,000.00 as payment, which I counted before I left the drug
12 customer's car. I knew prior to meeting the drug customer that I would be in possession of
13 illegal drugs and my intent was to deliver the drugs to the customer. Upon reviewing the
14 discovery, I now know I provided 2,687 grams of actual methamphetamine and 824 grams
15 of fentanyl to the drug customer.

16 b. The defendant shall swear under oath to the accuracy of this statement and,
17 if the defendant should be called upon to testify about this matter in the future, any
18 intentional material inconsistencies in the defendant's testimony may subject the defendant
19 to additional penalties for perjury or false swearing, which may be enforced by the United
20 States under this agreement.

21 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

22 I have read the entire plea agreement with the assistance of my attorney. I
23 understand each of its provisions and I voluntarily agree to it.

24 I have discussed the case and my constitutional and other rights with my attorney.
25 I understand that by entering my plea of guilty I shall waive my rights to plead not guilty,
26 to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to
27 present evidence in my defense, to remain silent and refuse to be a witness against myself
28

1 by asserting my privilege against self-incrimination, all with the assistance of counsel, and
2 to be presumed innocent until proven guilty beyond a reasonable doubt.

3 I agree to enter my guilty plea as indicated above on the terms and conditions set
4 forth in this agreement.

5 I have been advised by my attorney of the nature of the charges to which I am
6 entering my guilty plea. I have further been advised by my attorney of the nature and range
7 of the possible sentence and that my ultimate sentence shall be determined by the Court
8 after consideration of the advisory Sentencing Guidelines.

9 My guilty plea is not the result of force, threats, assurances, or promises, other than
10 the promises contained in this agreement. I voluntarily agree to the provisions of this
11 agreement and I agree to be bound according to its provisions.

12 I understand that if I am granted probation or placed on supervised release by the
13 Court, the terms and conditions of such probation/supervised release are subject to
14 modification at any time. I further understand that if I violate any of the conditions of my
15 probation/supervised release, my probation/supervised release may be revoked and upon
16 such revocation, notwithstanding any other provision of this agreement, I may be required
17 to serve a term of imprisonment or my sentence otherwise may be altered.

18 This written plea agreement, and any written addenda filed as attachments to this
19 plea agreement, contain all the terms and conditions of the plea. Any additional
20 agreements, if any such agreements exist, shall be recorded in a separate document and
21 may be filed with the Court under seal; accordingly, additional agreements, if any, may not
22 be in the public record.

23 I further agree that promises, including any predictions as to the Sentencing
24 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone
25 (including my attorney) that are not contained within this written plea agreement, are null
26 and void and have no force and effect.

27 I am satisfied that my defense attorney has represented me in a competent manner.
28

1 I fully understand the terms and conditions of this plea agreement. I am not now
 2 using or under the influence of any drug, medication, liquor, or other intoxicant or
 3 depressant that would impair my ability to fully understand the terms and conditions of this
 4 plea agreement.

5 11-21-23

6 Date

Christina Danielle Patacky-Beghin
 Defendant

8 **APPROVAL OF DEFENSE COUNSEL**

9 I have discussed this case and the plea agreement with my client in detail and have
 10 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the
 11 constitutional and other rights of an accused, the factual basis for and the nature of the
 12 offense to which the guilty plea will be entered, possible defenses, and the consequences
 13 of the guilty plea including the maximum statutory sentence possible. I have further
 14 discussed the concept of the advisory Sentencing Guidelines with the defendant. No
 15 assurances, promises, or representations have been given to me or to the defendant by the
 16 United States or any of its representatives that are not contained in this written agreement.
 17 I concur in the entry of the plea as indicated above and that the terms and conditions set
 18 forth in this agreement are in the best interests of my client. I agree to make a bona fide
 19 effort to ensure that the guilty plea is entered in accordance with all the requirements of
 20 Fed. R. Crim. P. 11.

21 November 21, 2023

22 Date

Jason Squires
 Attorney for Defendant

APPROVAL OF THE UNITED STATES

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth herein are appropriate and are in the best interests of justice.

GARY M. RESTAINO
United States Attorney
District of Arizona

MARGARET
PERLMETER

Digitally signed by MARGARET
PERLMETER
Date: 2023.11.21 15:15:07 -07'00'

Date

MARGARET PERLMETER
Assistant U.S. Attorney

ACCEPTANCE BY THE COURT

11/22/23

Date



HONORABLE STEVEN P. LOGAN
United States District Judge